24/10/07

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HIGH COURT OF CHHATTISGARH AT BILASPUR
DIVISION BENCH

CORAM: **HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &**
HON'BLE SHRI SATISH K. AGNIHOTRI, J.

MCC No.434 of 2007

Applicant — Smt Chandrakala Devi, W/o Her Prasad Gupta, D/o Bhagwat aged about 49 years, R/o Deviganj Road, Ambikapur, District – Surguja (CG)

Versus

Respondents

1. Smt Ratna Mukherjee W/o Hara Dhan Mukherjee, aged about 52 years
2. Hara Dhan Mukherjee S/o Badoda Kant Mukherjee, aged about 59 years,

   Both R/o Mohalla Mayapur, Ambikapur, District – Surguja (CG)
3. State of CG Through Collector, District – Surguja (CG)

Application for restoration of SA No.493 of 1990

Present : Shri FS Khare, counsel for the applicant.
Shri GD Vaswani, Government Advocate for the State.

ORAL ORDER

(Passed on 17th October, 2007)

The following oral order of the Court was passed by **Hon'ble Jagdish Bhalla, Ag. C.J.**

There is a delay of 692 days in filing this restoration application.

We have gone through the application IA No.1, supported by the affidavit. In the interest of justice, the delay in filing the application for restoration is condoned.

Though notices were issued by this Court, after re-organisation, the appellant/applicant has failed to put appearance in the matter. We restore the matter only for the reason that the matter may be decided

on merits. Accordingly, the application for restoration is allowed and Second Appeal No.493/1990 is restored to its original number subject to deposit of cost amounting to Rs.5,000/- to be deposited before the Registrar General of this High Court within two weeks. The Registrar General is directed to transfer the same to the High Court Legal Aid Committee.

Sd/-
Ag. Chief Justice

Sd/-
Satish K. Agnihotri
Judge

subbu